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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,605	06/03/2005	Bruce P. Swaybill	60,469-219;OT-5094	3567

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OTIS ELEVATOR COMPANY  
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EXAMINER

KRUER, STEFAN

ART UNIT PAPER NUMBER

3654

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,605	<b>Applicant(s)</b> SWAYBILL ET AL.	
	<b>Examiner</b> Stefan Krueer	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6, 8 - 11, 14 - 19 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 12 - 13 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 June 2005</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Objections***

In **Claims 1 - 3**, the term "adapted to" and "adapted for" are objected, in that an element that is "adapted to" or "adapted for" perform a function is not a positive limitation and only requires the ability to so perform, in re Hutchinson 69 USPQ 138.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 8** recites the limitations "the" in "the load" as well as "associated elevator system components". There are insufficient antecedent bases for these limitations in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 2 and 6, 8 - 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al (4,807,723) in view of Wagatsuma et al (6,234,276).

**Re: Claims 1 and 2**, Salmon et al disclose:

- a machine supporting portion (top, center of 14) securing a machine in a selected position,

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- and a sheave supporting portion (top, end of 14) to support at least one sheave;

however, Salmon et al are silent regarding a plurality of termination members.

Attention is directed to Wagatsuma et al, who teach first and second termination members (106, Fig. 1) and first and second termination-supporting portions (Col. 1, Line 36) as known in the art, associated with an elevator cab, and found in Salmon et al (lower of 14).

It would have been obvious to one of ordinary skill in the art to modify the reference of Salmon et al with the teaching of Wagatsuma et al to utilize a conventional means to support single or multiple terminating members.

**Re: Claim 6**, Salmon et al disclose their machine- and sheave-supporting portions as comprising two lateral beam members.

**Re: Claim 10**, Salmon et al disclose:

- a machine having a motor and a drive sheave,
- an idler sheave (16)
- an elevator cab ("car"),
- a counterweight ("C.W.")
- a plurality of elongated load bearing members (20) associated with the cab and counterweight, said load bearing members being moveable about the drive sheave and idler sheave in response to operation of the machine;
- a single support device that secures the machine and sheave in a desired position relative to the cab and counterweight;

however, Salmon et al are silent regarding terminating members and there support.

Attention is directed to Wagatsuma et al who teach termination members (106, Fig. 1) associated with ends of the load bearing members, as known in the art, said termination members being suspended from machine supporting beam(s).

It would have been obvious to one of ordinary skill in the art to modify the reference of Salmon et al with the teaching of Wagatsuma et al to utilize a conventional means to support single or multiple terminating members.

**Re: Claim 11**, Salmon et al disclose their support device includes two lateral beam members to support the machine and sheave.

**Re: Claim 14**, Salmon et al disclose their support comprise a plurality of metal beam members.

**Re: Claim 15**, Salmon et al disclose their idler sheave and drive oriented to each other so that the elongated load bearing members deflect vertically, deflect about the idler sheave in a generally horizontal direction and then are wrapped at least 180° around the drive sheave.

**Claims 3, 8 – 9 and 16 – 18 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al in view of Wagatsuma et al, as applied to Claim 1, and in further view of de Jong et al (5,361,873).

**Re: Claim 3**, Salmon et al and Wagatsuma et al disclose a single sheave supporting portion.

Attention is directed to de Jong et al who their first and second sheave supporting portions to accommodate additional tensioning.

It would have been obvious to one of ordinary skill in the art to modify the references of Salmon et al and Wagatsuma et al with the teaching of de Jong et al to provide additional tensioning of their load bearing members.

**Re: Claims 8 and 9**, Salmon et al disclose not disclose a mounting member near each end of the lateral beam members.

Wagatsuma et al are silent regarding mounting members.

Attention is directed to de Jong et al who teach their device including:

- two spaced lateral beam members (right-left, Fig. 4),
- at least one transverse beam (Fig. 5) extending between and secured to the lateral beam members near each end of the beam members,

- mounting members near each end of each lateral beam member (Fig. 4),
- said mounting members securing the device to a structure that carries a load of the device.
- And a plurality of vertical brace members (raised portions, Fig. 4) connected to each of the mounting members;

however, de Jong et al do not teach the securing of the vertical brace members to each of the mounting members and corresponding portions of the lateral beam members. Nevertheless, securing means, i.e. anchor bolts, are well known in the art.

It would have been obvious to one of ordinary skill in the art to modify the references of Salmon et al and Wagatsuma et al with the teaching of de Jong et al to provide an appropriately constructed and secured device support framing structure.

**Re: Claim 16**, Salmon et al and Wagatsuma et al disclose their idler sheave and drive rotating about non-parallel axes.

Attention is directed to de Jong et al who teach their idler and drive sheaves rotating about parallel axes (Col.2, Line 53) for benefit of improved service lift of their elongated load bearing members without compromising friction between the traction sheave and the said members (Col. 2, Line 43).

It would have been obvious to one of ordinary skill in the art to modify the references of Salmon et al and Wagatsuma et al with the teaching of de Jong et al to orient the axes of the idler and drive sheaves to one another such that they are parallel to gain the commercial benefits of increased uptime and reduced maintenance without compromising performance.

**Re: Claims 17 – 18 and 20**, the device of Claims 1 – 16 would necessarily have to be assembled and installed in order to function. It would have been obvious to perform all the method steps of claims 17 – 18 and 20 when producing the device of Salmon et al as modified by Wagatsuma et al and de Jong et al above, in a usual and expected fashion, in as much as the method claims recite no limiting steps beyond forming each of the components.

***Allowable Subject Matter***

**Claims 5, 7 and 12 - 13 and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

**Claims 7 and 12** contain allowable subject matter because the teachings of the prior art of record taken as a whole do not show or render obvious the combination set forth including "...the termination supporting portion comprises at least one traverse member extending between and secured to the lateral beam members..."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morris et al (4,537,286), Orrmann et la (2002/0017434) and Heikkinen (5,076,398) are cited for reference of a support device having a large plurality of termination members suspended from termination-support members, a support device for an elevator system wherein the supporting portion comprises one metal sheet from which a plurality of termination members are suspended, and an elevator system comprising the a single support device for a motor, drive and idler sheaves, wherein the wrap angle about the drive sheave is greater than 180°.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free)

SHK

24 July 2006.



EMMANUEL MARCELO  
PRIMARY EXAMINER